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APR 12 2002

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after initial filing)

& TRADEMARK OFFICE

Application Number	10/006,316
Filing Date	December 4, 2001
First Named Inventor	Clarence E. Rash
Group Art Unit	2877
Examiner Name	
Attorney Docket No.	920070.407

ENCLOSURES (check all that apply)

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<hr/> <i>Declaration In Lieu of Oath of Clarence E. Rash Under 37 C.F.R. § 1.56</i> |
|---|---|--|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual Name	Dale R. Cook	 30465 <small>PATENT TRADEMARK OFFICE</small>
Signature	<i>Dale R. Cook</i>	
Date	<i>April 12, 2002</i>	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date specified below.

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Signature	<i>Laura C. Shockey</i>	Date: <i>4-12-02</i>

#4/Declaration
7-17-02
R. Deader

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Clarence E. Rash Attorney Docket No.: 9200070.407

Application No.: 10/006,316

Filed: 04 December 2001 Examiner: --

Title: LOW-BACKSCATTER APERTURE STRUCTURE

DECLARATION IN LIEU OF OATH OF
CLARENCE E. RASH UNDER 37 C.F.R. § 1.56

TO THE COMMISSIONER FOR PATENTS:

I, Clarence E. Rash, state as follows:

1. I am employed by the United States Army, which is the assignee of record of the above-referenced U.S. patent application.
2. I am one of the named inventors listed on the above-referenced U.S. patent application.
3. Attached to this Declaration is USAARL Report No. 2002-03, entitled A Novel Design for a Low-Backscatter Optical Aperture, having a purported publication date of November 2001. I know and believe the purported publication date to be wrong, on the basis of at least the following facts.
 - A. I know to be true that the final draft document, which ultimately was published as USAARL Report No. 2002-03, was completed on or around 13 November 2001. On or around that date, I submitted that final draft document to my editor for review, and that final draft document was returned to me, by my editor, on or around that same date. In light of my previous conversations with our patent attorney, Dale Cook, Reg. #42,434, I retained control over the draft document pending filing of the above-referenced patent application.

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- B. On the basis of information received from our patent attorney, Dale Cook Reg. #42,434, I believe to be true that, on 04 December 2001, the above-referenced patent application was filed with the United States Patent and Trademark Office.
- C. On the basis of personal knowledge, and information received from USAARL's Science Support Center Chief, Ms. Diana L. Hemphill, I know and believe to be true that, subsequent to the filing of the above-referenced patent application, the final draft document, which ultimately was published as USAARL Report No. 2002-03, was submitted to the Defense Technical Information Center (DTIC) for publication on or around 03 January 2002. In support of this assertion, I attach a copy of the DTIC Form 50, dated Jan 02, with which we (myself and Ms. Hemphill) transmitted the final draft document to the Defense Technical Information Center.
- D. On the basis of information, received from USAARL's Science Support Center Chief, Ms. Diana L. Hemphill, I believe it to be true that, subsequent to submission of the final draft document, on or around 16 February 2002, the Defense Technical Information Center made USAARL Report No. 2002-03, entitled A Novel Design for a Low-Backscatter Optical Aperture, available for purchase on or around 16 Jan 2002. In support of this assertion, I attach a copy of the DTIC online publication record which shows at the bottom that the date the citation was created was 16 Jan 2002.
- E. On the basis of information received from USAARL's Science Support Center Chief, Ms. Diana L. Hemphill, I believe it to be

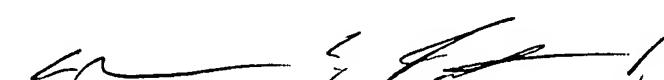
true that, subsequent to submission, on or around 23 January 2002, the Defense Technical Information Center made USAARL Report No. 2002-003, entitled a Novel Design for a Low-Backscatter Optical Aperture, available in USAARL's onsite technical library.

F. On the basis of information, I believe it to be true that, subsequent to submission, on or around 11 February 2002, the Defense Technical Information Center made USAARL Report No. 2002-003, entitled a Novel Design for a Low-Backscatter Optical Aperture, available to the public via their World Wide Web searchable database on or around 04 February 2002.

4. As can be seen by the foregoing recited facts, I know and believe the purported publication date of USAARL Report No. 2002-03 to be wrong. As can also be seen by the foregoing-recited facts, I know and believe the actual date of public release of USAARL Report No. 2002-03, entitled a Novel Design for a Low-Backscatter Optical Aperture, to significantly postdate the 04 December 2001 filing date of the above-referenced patent application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 28 March 2002


Clarence E. Rash
Residence Address:
101 Victoria Drive
Enterprise, Alabama 36330

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1. REPORT IDENTIFYING INFORMATION			
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B. REPORT TITLE AND/or NUMBER <i>2002-03</i>			
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**AD Number:** ADA397735**Subject Categories:** OPTICS**Corporate Author:** ARMY AEROMEDICAL RESEARCH LAB FORT RUCKER AL**Title:** A Novel Design for a Low-Backscatter Optical Aperture**Descriptive Note:** Final rept. Apr-Oct 2001**Personal Authors:** Rash, Clarence E.; Mora, John C.**Report Date:** NOV 2001**Pages:** 15 PAGES**Report Number:** USAARL-2002-03**Project Number:** 879 TASKNUMBER: P**Monitor Acronym:** XA**Monitor Series:** USAMRMC**Descriptors:** *OPTICAL EQUIPMENT, *BACKSCATTERING, *APERTURES, ELECTROOPTICS, LIGHT SOURCES, SPECULAR REFLECTION, DIFFUSE REFLECTION.**Identifiers:** PE622787A, DA336445**Abstract:** Conventional flat aperture designs introduce error and noise in optical/electro-optical applications when the aperture is placed in close proximity to a light source located within the system. Rays that are reflected off the blocked portion of the aperture and then are reflected again off of the light source and reenter the optical path introduce this error. A novel design for a low-backscatter aperture has been introduced and validated for a light measurement application. The new concept is predicated on a V- or cone-shaped aperture design that uses the law of reflection to direct blocked light rays away from the optical path. A light source application was used to validate the new design.**Limitation Code:** APPROVED FOR PUBLIC RELEASE**Source Code:** 404578**Citation Creation Date:** 16 JAN 2002

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